

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 8, 2004

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JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 8, 2004

The Senate met in regular session at 9:15 a.m., President Lamberti presiding.

Prayer was offered by Bishop Alan Scarfe of the Episcopal Diocese of Iowa in Des Moines, Iowa. He was the guest of Senator Lamberti.

The Journal of Wednesday, April 7, 2004, was approved.

INTRODUCTION OF BILL

[Senate File 2305](#), by committee on Ways and Means, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

Read first time and **placed on Ways and Means calendar**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 2259](#), a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties.

[House File 2262](#), a bill for an act relating to public retirement systems and other employee benefit related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, and providing effective and retroactive applicability dates.

[House File 2393](#), a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date.

ALSO: That the House has on April 7, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2567](#), a bill for an act regulating the transportation of animal carcasses, providing for fees and penalties, and providing for an effective date.

Read first time and referred to committee on **Ways and Means**.

[House File 2569](#), a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff.

Read first time and referred to committee on **Ways and Means**.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:39 a.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Brunkhorst.

UNFINISHED BUSINESS

House File 2467

On motion of Senator Ward, House File 2467, a bill for an act relating to the quorum requirement for the Iowa Access advisory council, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Ward moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2467), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Horn	Miller	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Iverson	Quirnbach	Ward
Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

Houser	Larson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

[House File 2486](#)

On motion of Senator Johnson, [House File 2486](#), a bill for an act providing for animal agriculture, including by providing for offenses involving animals and crops and related property, and providing penalties, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2486](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Horn	Miller	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Iverson	Quirnbach	Ward
Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

Houser	Larson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 7, 2004)

[House File 2367](#)

The Senate resumed consideration of [House File 2367](#), a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund, deferred April 7, 2004.

President Pro Tempore Angelo took the chair at 10:50 a.m.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2367](#)), the vote was:

Yeas, 45:

Angelo	Gronstal	McCoy	Shull
Beall	Hatch	McKibben	Sievers
Behn	Holveck	McKinley	Stewart
Boettger	Horn	Miller	Tinsman
Bolkcom	Hosch	Putney	Veenstra
Brunkhorst	Iverson	Quirnbach	Ward
Connolly	Johnson	Ragan	Warnstadt
Dearden	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman
Dvorsky	Kreiman	Schuerer	
Fraise	Lamberti	Seng	
Gaskill	Lundby	Seymour	

Nays, 3:

Black	Courtney	Dotzler
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Absent, 2:

Houser	Larson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2367, 2467, and 2486** be **immediately messaged** to the House.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED[House File 2186](#)

Senator Miller called up for consideration [House File 2186](#), a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer, amended by the Senate and further amended by the House in House amendment [S-5254](#) to Senate amendment [H-8344](#), filed April 5, 2004.

Senator Miller moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Miller moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2186](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Horn	Miller	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Iverson	Quirnbach	Ward
Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

Houser Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

[House File 2357](#)

On motion of Senator Johnson, [House File 2357](#), a bill for an act relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2357](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Horn	Miller	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Iverson	Quirnbach	Ward
Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

Houser Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2402

On motion of Senator Schuerer, House File 2402, a bill for an act restricting executive branch authority to transfer appropriations between departments, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2402), the vote was:

Yeas, 27:

Angelo	Iverson	Miller	Sievers
Behn	Johnson	Putney	Tinsman
Boettger	Kettering	Redfern	Veenstra
Brunkhorst	Lamberti	Rehberg	Ward
Drake	Lundby	Schuerer	Wieck
Gaskill	McKibben	Seymour	Zieman
Hosch	McKinley	Shull	

Nays, 21:

Beall	Dotzler	Horn	Seng
Black	Dvorsky	Kibbie	Stewart
Bolkcom	Fraise	Kreiman	Warnstadt
Connolly	Gronstal	McCoy	
Courtney	Hatch	Quirnbach	
Dearden	Holveck	Ragan	

Absent, 2:

Houser	Larson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2186, 2357, and 2402** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 2179](#)

Senator Zieman called up for consideration [Senate File 2179](#), a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board, amended by the House in House amendment [S-5239](#), filed March 31, 2004.

Senator Zieman offered amendment [S-5279](#), filed by him on April 6, 2004, to page 1 of House amendment [S-5239](#), and moved its adoption.

Amendment [S-5279](#) was adopted by a voice vote.

Senator Zieman moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Zieman moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2179](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Horn	Miller	Tinsman
Connolly	Hosch	Putney	Veenstra

Courtney	Iverson	Quirnbach	Ward
Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

Houser	Larson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Boettger took the chair at 11:25 a.m.

HOUSE AMENDMENT CONSIDERED

[Senate File 2208](#)

Senator Johnson called up for consideration [Senate File 2208](#), a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable, amended by the House in House amendment [S-5256](#), filed April 5, 2004.

Senator Johnson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Johnson moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2208](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull

Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Horn	Miller	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Iverson	Quirnbach	Ward
Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

Houser Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

[Senate File 2269](#)

Senator Zieman called up for consideration [Senate File 2269](#), a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date, amended by the House in House amendment [S-5292](#), filed April 7, 2004.

Senator Kibbie asked and received unanimous consent that action on House amendment [S-5292](#) and [Senate File 2269](#) be **deferred**.

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **Senate Files 2179 and 2208** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *[SENATE FILE 2305](#) ([SSB 3175](#)), a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful

fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 2305](#), and they were attached to the committee report.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration [Senate File 2305](#) and [House File 2557](#).

[Senate File 2305](#)

On motion of Senator Angelo, [Senate File 2305](#), a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on [Senate File 2305](#) be **deferred**.

[House File 2557](#)

On motion of Senator Miller, [House File 2557](#), a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2557](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Horn	Miller	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Iverson	Quirnbach	Ward
Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

Houser Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

[Senate File 2279](#)

Senator Zieman called up for consideration [Senate File 2279](#), a bill for an act relating to petition requirements for establishing a satellite absentee voting station, amended by the House in House amendment [S-5291](#), filed April 7, 2004.

Senator Zieman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Zieman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2279](#)), the vote was:

Yeas, 26:

Angelo	Iverson	Miller	Sievers
Behn	Johnson	Putney	Veenstra
Boettger	Kettering	Redfern	Ward
Brunkhorst	Lamberti	Rehberg	Wieck
Drake	Lundby	Schuerer	Zieman
Gaskill	McKibben	Seymour	
Hosch	McKinley	Shull	

Nays, 22:

Beall	Dotzler	Horn	Seng
Black	Dvorsky	Kibbie	Stewart
Bolkcom	Fraise	Kreiman	Tinsman
Connolly	Gronstal	McCoy	Warnstadt
Courtney	Hatch	Quirnbach	
Dearden	Holveck	Ragan	

Absent, 2:

Houser	Larson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that [Senate File 2279](#) and [House File 2557](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gaskill, the Senate recessed at 11:50 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:17 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 8, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 2447](#), a bill for an act relating to equipment and installation safety programs administered by the division of labor services of the department of workforce development, and providing an effective date.

[House File 2523](#), a bill for an act providing for the regulation of air quality, and making penalties applicable.

[House File 2544](#), a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

ALSO: That the House has on April 8, 2004, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

[House File 2434](#), a bill for an act to update and modify the enhanced 911 emergency telephone communications system.

The Senate stood at ease at 1:19 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:10 p.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 3:11 p.m. until 10:00 a.m., Monday, April 12, 2004.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Dane Dickinson, Douds—For achieving the rank of Eagle Scout, Boy Scout Troop 99. Senator Miller (5/30/04).

INTRODUCTION OF RESOLUTION

[Senate Resolution 163](#), by Warnstadt, a resolution honoring the Sioux City West High School Dance Squad for its outstanding performance at the Marching Auxiliaries National Dance/Drill Team Competition.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 159](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 162](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 163](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[House Concurrent Resolution 108](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[House Concurrent Resolution 123](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[House File 2567](#)

WAYS AND MEANS: Rehberg, Chair; Hosch and Stewart

House File 2569

WAYS AND MEANS: Stewart, Chair; Angelo and McKibben

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of April, 2004:

Senate Files 2101, 2149, 2177, 2193, and 2234.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 8, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2174 – Relating to the appointment of the ninth member of the state board of regents.

S.F. 2244 – Relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records.

S.F. 2274 – Relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

AMENDMENTS FILED

<u>S-5298</u>	<u>H.F. 593</u>	Mark Zieman
<u>S-5299</u>	<u>H.F. 593</u>	Mark Zieman
<u>S-5300</u>	<u>S.F. 2299</u>	Mary A. Lundby
<u>S-5301</u>	<u>S.F. 443</u>	Ron Wieck